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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 SECURITIES AND EXCHANGE  
8 COMMISSION,

9 Plaintiff(s),

10 v.

11 EDWIN YOSHIHIRO FUNINAGA and MRI  
12 INTERNATIONAL, INC., et al.,

13 Defendant(s).

Case No. 2:13-CV-1658 JCM (CWH)

ORDER

14 Presently before the court is the Securities and Exchange Commission's (hereinafter  
15 "SEC") motion for briefing schedule on remedies. (Doc. # 167). Defendants and relief  
16 defendants Edwin Yoshihiro Fujinaga, MRI International, CSA Service Center, LLC, and the  
17 Factoring Company (collectively "defendants") filed a response. (Doc. # 173). The SEC did not  
18 file a reply, and the deadline to reply has now passed.

19 In its motion, the SEC proposes the following briefing schedule for the issue of remedies:  
20 the SEC's motion on the issue of remedies and for a final judgment will be due on December 8,  
21 2014; defendants' responses will be due on January 12, 2015; and the SEC's replies will be due  
22 on January 23, 2015. (Doc. # 167). The SEC states that it contacted counsel for defendants on  
23 three dates to ascertain their position on the proposed briefing schedule, but that defendants'  
24 counsel did not reply. (Doc. # 167).

25 In their response, defendants contend that additional time is warranted, asking for a  
26 briefing schedule as follows: the SEC's motion would be due on January 12, 2015; defendants'  
27 responses due on February 13, 2015; and the SEC's replies due on February 24, 2015. (Doc. #  
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1 173). Defendants argue that this briefing schedule is appropriate “[g]iven the substantial nature  
2 of the financial data and allegations that will be presented.” (Doc. # 173).

3 Defendants state that “the SEC’s claimed damages will differ substantially from any  
4 figures which will be transmitted by the [defendants], and, ultimately, it is believed that a hearing  
5 and/or evidentiary hearing(s) will be required for the purpose of ascertaining damages, if any.”  
6 (Doc. # 173). Defendants finally note that they anticipate acquiring new counsel in light of the  
7 court’s order denying defendants’ request for additional attorney’s fees. (Doc. # 169).

8 Defendants’ arguments for additional time are not compelling. Defendants have access  
9 to their own financial records. There is no reason to delay briefing to give defendants time to  
10 access or sort through financial data. The court’s briefing schedule will provide defendants with  
11 sufficient time to respond.

12 Defendants’ argument that briefing should be delayed to allow for hearings does not alter  
13 this result. If necessary, the court can hold a hearing after the remedies issue has been fully  
14 briefed. Defendants’ argument regarding the need for alternative counsel also does not warrant  
15 delay.

16 Having considered the instant filings, the court will adopt the following briefing  
17 schedule: the SEC’s motion on remedies will be due on December 8, 2014; defendants’  
18 responses will be due on December 22, 2014; and the SEC’s replies will be due on December 29,  
19 2014. This schedule comports with Local Rule 7-2, which provides that a response shall be filed  
20 within fourteen days after service of the motion and a reply filed seven days after service of the  
21 response. LR 7-2(b)-(c). The court sees no reason to depart from a normal briefing schedule in  
22 this instance.

23 Accordingly,

24 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the SEC’s motion for  
25 briefing schedule on remedies, (doc. # 167), is GRANTED insofar as it seeks a briefing  
26 schedule, but DENIED insofar as it asks the court to adopt the briefing schedule proposed.

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1 IT IS FURTHER ORDERED that the parties shall brief the issue of remedies pursuant to  
2 the court's briefing schedule as detailed above.

3 DATED December 1, 2014.

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5 UNITED STATES DISTRICT JUDGE  
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